



MINUTES OF THE SPECIAL JOINT MEETING
OF THE CITY COUNCIL/REDEVELOPMENT
AGENCY OF THE CITY OF HAYWARD
City Council Chambers
777 B Street, Hayward, CA 94541
Tuesday, July 11, 2000, 8:00 p.m.

MEETING

The Special Joint **Meeting** of the City Council/Redevelopment Agency was called to order by Mayor Cooper at 8:00 p.m., followed by the Pledge of Allegiance led by Council Member Ward.

ROLL CALL

Present: COUNCIL/R4 MEMBERS Jimenez, Hilson,
Rodriquez, Ward, **Dowling, Henson**
MAYOR/CHAIR Cooper
Absent: None

PRESENTATION: Business Recognition Award

The Business Recognition Award for the month of July was presented to Dynamic Network Factory, located at 22445 Foothill Boulevard. Dynamic Network Factory provides storage systems for web servers, city governments and corporations that must have high capacity storage without interruption. Dynamic Network Factory was established ten years ago by Mohammed Tahmsebie, after **working** at SUN Microsystems. He opened his business here in Hayward, at a location on Foothill Boulevard, Although the company still occupies the same space, other locations have been added, including Sunnyvale and San Mateo, with a total of 37 employees. The Award was presented to Dynamic Network Factory in recognition of their contribution to the vitality **and** economic well-being of our community, by becoming a leader in the high tech industry and locating their business in Hayward. Mohammed Tahmsebie, President and CEO accepted the Award and noted that his company is one of ten that have been invited to attend a conference in Hong Kong representing this technology.

PUBLIC COMMENTS

Mayor Cooper announced that she and Alameda County Supervisor Gail Steele will host a Public Meeting on July 19, at 7:00 p.m., to discuss the Final EIR for the Hayward 238 Bypass. The meeting will be held at the Alameda County Office of Education main meeting room at 313 West **Winton** Avenue.

Jim Drake, 25795 Franklin Avenue, spoke regarding the former Taco Bell building located at 194 Harder Road. He asked that staff review the plans to see if the property owner is in compliance with all of the conditions of approval.

Mayor Cooper asked that staff investigate this matter and report the results in the Council's Weekly Report.

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Kenneth Harmeyer, 23845 Ida Lane, expressed concerns on the limitations of the City's ordinance regarding sex-related businesses.

Jason **Moreno**, 25200 Carlos Bee Boulevard, commented on voter turnout in Hayward.

Francisco Abrantes, 22815 Alice Street, gave his views on small business retention in Hayward.

BOARDS/COMMISSIONS

1. Appointments and Reappointments to Various Boards, Committees, **and** Commissions/
Administer Oaths of Office

Staff report submitted by City Clerk Reyes, dated July 11, 2000,
was filed.

It was moved by Council Member Ward, seconded by Council Member **Hilson**, and unanimously carried to adopt the following:

Resolution **00-098**, "Resolution Confirming the Appointment and
Reappointment of Members to Advisory Boards, Commissions,
and Committees"

City Clerk Reyes administered the oath of office to the incoming and reappointed Commissioners.

CONSENT

Agenda Item 4 was removed for further discussion.

2. Approval of Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency
of June **27, 2000**

It was moved by Council/RA Member **Henson**, seconded by Council/RA Member Hilson, and unanimously carried to approve the Minutes of the Special Joint Meeting of the City Council/Redevelopment Agency of June 27, 2000.

3. Review of Use Permit Application No. **96-160-17** – Mission Paradise Bar and Grill and Banquet Hall, Shahpur and Gulalai Rahimi (Applicants), Toro Development Company (Owners) – Located at 31113 & 31115 Mission Boulevard in the Fairway Park Shopping Center, Zoned Neighborhood Commercial

Staff report submitted by Planning Manager Anderly, dated July
11, 2000, was filed.

It was moved by Council Member **Henson**, seconded by Council Member **Hilson**, and unanimously carried to accept the status report as submitted by staff.

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4. Adoption of Memorandum of Understanding with SEIU Local **790** Clerical and Confidential Unit and SEIU Local 790 Maintenance Unit

Staff report submitted by Personnel Director Perriu-Scales, dated July 11, 2000, was filed.

SEIU Local 790 Clerical Unit President Looney thanked the Council for their support of the contract and commended both City staff and the negotiation teams for their efforts toward resolving issues of mutual concern.

It was moved by Council Member Ward, seconded by Council Member **Henson**, and unanimously carried to adopt the following:

Resolution 00-099, "Resolution Accepting Memorandum of Understanding Between the City of Hayward and Service Employees International, Local 790 (Clerical and Confidential Unit and Maintenance Unit)"

HEARINGS

5. Zone Change Application No. 99-190-04 – Initiated by the Planning Director to **Change** the Zoning from Single-Family Residential District to Single-Family <Residential and Special Lot Standards Combining District– Properties are Located Along University Court between Campus Drive and Highland Boulevard

Staff report submitted by Senior Planner Calame, dated July 11, 2000, ~~was~~ filed.

Senior Planner Calame presented the report and responded to Council questions related to lot size, lot designs and other information requested. He indicated that Lot 27 could be excluded because of the configuration of the lot and the terrain. He said it would have very little potential for development.

Mayor Cooper opened the public hearing at 8:41 p.m.

Tom Evans, 25542 University Court, owner of Lot 26, discussed Lot 27, suggested that the two single family dwellings on the lot could be sub-divided on the lot by designing a flag shape lot. He also asked the City to consider a 150-foot setback on creeks and rivers for buildings, as recommended by the State and Federal governments. He responded to a question from Council Member **Henson** about parking in the neighborhood and described the parking problems with residents and university students.

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Ian Naef, 25584 University Court, owner of Lot 27, supports the zone change and asked that his lot be excepted.

Rob Simpson, 25462 University Court, said he did not get noticed and as a result was excluded from due process. He said he has owned Lot 22 since February.

Council Member Ward asked about his house purchase. He then suggested Mr. Simpson could apply for a variance if he wanted to build an additional house.

Council Member **Jimenez** asked for clarification on the notification procedures used by staff.

City Attorney **O'Toole** indicated that due process had been followed by the City. He said that by attending the meeting and speaking, Mr. Simpson had been afforded due process.

Council Member Rodriguez asked the new owner if he had received information from the seller prior to purchasing this lot. Mr. Simpson indicated that he was a realtor and received information from the City regarding the zoning.

Vyas Nath, 25444 University Avenue, Lot 21 owner for the past two weeks, said he was aware of the decision-making process and had been informed. He agreed ~~that~~ he was not officially notified, although staff had called him to discuss the application with him. He said he has no problem with the subdivision. Council Member Ward asked what he had planned to do with the property when he bought it. Mr. Nath described his possible **plans** for the future.

Council Member **Hilson** said the City must rely on records that are provided by the assessor's office. He asked whether the owners or brokers were required by law to disclose this information.

City Attorney O'Toole responded that it is the responsibility of the seller to disclose this information. He added that there are never any guarantees that zoning will be maintained into the **future**.

Mayor Cooper closed the public hearing at 9: 13 p.m.

Council Member **Henson** explained that every effort was made by staff to notify the owners in the area. He said he regretted that information was not offered to this resident, However, the City followed the legal requirements. He then moved the item, seconded by Council Member Dowling, to follow the Planning Commission's recommendations.

Council Member Rodriguez said she appreciated the awareness of the owners and indicated that they would be able to pursue other options through the variance process.

It was moved by Council Member **Henson**, seconded by Council Member Dowling, and unanimously carried to adopt and introduce the following:



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Ordinance 00-__, "An Ordinance Reclassifying Certain Properties Located Along University Court Generally Between Campus Drive and Highland Boulevard Pursuant to Zone Change Application 99-190-04"

Resolution 00-100, "Resolution Approving the Zone Change Application No. 99-190-04 and Adopting the Negative Declaration Relative to Properties Located Along University Court Generally Between Campus Drive and Highland Boulevard"

6. Appeal of Planning Commission Decision Regarding General Plan Amendment 00-110-01 and Zone Change 99-190-02 - David Finger of New Look Properties, LLC (Applicant/Owner) - Request to Amend the General Plan Designation from Industrial Corridor to Low Density Residential, and to Change the Zoning Designation from Industrial (I) to Single-Family Residential - The Property is Located at 2849 Baumberg Avenue

Staff report submitted by Planning Manager Anderly, dated July 11, 2000, was filed.

Senior Planner Calame made the staff presentation, depicting the various parcels with varying lot sizes. He indicated that staff recommended denying the request. The property has been zoned industrial since 1968.

Council asked questions related to the distance to the nearest elementary school, the traffic circulation, and the recommendation of the Mt. Eden Taskforce.

Mayor Cooper opened the public hearing at 9:40 p.m.

Mike Gordeniger, 331 Guadalupe Terrace, Fremont, has owned an adjacent industrial property for over 20 years. He would support the Planning Commission recommendation

Pat Christinson, 2854 Baumberg, noted that the school is only a block away, She would prefer that the zoning to remain residential.

David Finger, 6308 Heather Ridge Way, **Oakland**, applicant, said **all** these properties would have to be deemed Industrial for the City plan of 32 years ago to be enacted, He said the only reason this property is in question, is that it was owned by someone whose heirs do not live in the State, and therefore, it has been unoccupied for over six months, He pointed out that this property will be in a state of limbo until other properties on the block are returned to Industrial zoning. He indicated he does not believe that is likely to happen.

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Council Member **Henson** asked whether his plan was to fix **up** the property. He was told that was the intention.

Council Member Ward asked whether Mr. Finger had plans to live on the property. He was told he did not. Council Member Ward asked staff whether there might not be a way to allow the property to be retained for residential use.

City Attorney **O'Toole** said it would need to be referred back to staff and they would be obligated to agendize the item.

Council Member Rodriquez asked Mr. Finger why he believed the area would not revert to Industrial uses. He explained that the property is more valuable to owners as residential at this point.

Mayor Cooper closed the public hearing at **9:57 p.m.**

Council Member Ward moved, seconded by Council Member Rodriquez, to concur with the decision of the Planning Commission and deny the zoning application, but asked the Council and staff to assure that a further look be made of this area when the general plan is reviewed beginning this fall.

Council Member Dowling said it was a nice semi-rural residential area with fairly well-kept houses.

Mayor Cooper cautioned the applicant that the General Plan review is a time consuming process and Mr. Finger should not expect any changes to be made within a short amount of time.

It was moved by Council Member Ward, seconded by Council Member Rodriquez, and unanimously carried to adopt the following:

Resolution **00-101**, "Resolution Denying General Plan Amendment 00-110-01 and Zone Change Application No. 99-190-02 of David Finger of New Look Properties, L.L.C., Applicant/Owner of Property Located at 2849 Baumberg Avenue"

7. Introduction of an Ordinance Amending the Well Standards Ordinance and Agreement with Alameda County Water District Regarding Oliver East Property

Staff report submitted by Deputy Director of Public Works Bauman, dated July 11, 2000, was filed.

There being no questions from Council, nor requests to speak on this item, Mayor Cooper opened and closed the public hearing at 10: 10 p.m.



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It was moved by Council Member Dowling, seconded by Council Member Hilson, and unanimously carried to adopt the following:

Ordinance 00-__, " An Ordinance of the City Council of the City of Hayward Amending Chapter 5 Article 4 of the Hayward Municipal Code Relating to Well Standards"

Resolution 00-102, "Resolution Authorizing the City Manager to Execute an Agreement Between the City of Hayward and the Alameda County Water District for the Oliver East Property "

COUNCIL REPORTS

Council Member Hilson reported that he attended an advisory council meeting in Savannah, Georgia. The plan of action includes nondiscrimination in all aspects of life.

Council Member **Henson** commented briefly on the Hayward/Russell City Blues Festival this past weekend. He noted that it was well attended and a great use of the City Hall Plaza. It was a wonderful event,

ADJOURNMENT

Mayor Cooper adjourned at 10:19 p.m.

APPROVED:

Roberta Cooper, Mayor, City of Hayward
Chair, Redevelopment Agency

ATTEST:

Angelina Reyes, City Clerk, City of Hayward
Secretary, Redevelopment Agency

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